

# **EXHIBIT X**

**Berry v. Hawaiian Express  
Hearing Transcripts**

<b>DATE</b>	<b>DESCRIPTION/PAYOR</b>	<b>AMOUNT</b>
7/25/2005	Steve Platt, CRR, RMR - Transcript of Proceedings 6/20/2005	\$61.38
11/21/2005	Cynthia Fazio - Transcript of Proceedings 10/11/2005	\$40.64
1/24/2006	Steve Platt, CRR, RMR - Transcript of Proceedings 1/24/2006	\$1,396.49
1/30/2006	Sharon Ross - Court Reporter - Transcript of Proceedings 1/30/2006	\$68.75
1/25/2006	Steve Platt, CRR, RMR - Trial Transcripts of Proceedings	\$7,000.00
2/27/2006	Steve Platt, CRR, RMR - Trial Transcripts of Proceedings	\$2,989.27
	<b>Total</b>	<b>\$11,556.53</b>

## KIRKLAND &amp; ELLIS LLP

Check Request

Vendor ID:

227667

Bank #:

Date: 07/25/2005

Pay to:

Steve Platt, CRR, RMR  
 U.S. District Court Reporter  
 300 Ala Moana Boulevard, Suite C-287  
 Honolulu, HI 96813

Invoice amount: \$61.38

Invoice Date: 07/20/2005

Invoice #: 20050114

Check Amount: **\$61.38**

Check stub description: Berry Transcript of 6/20/05

Mail to Payee

CLIENT CHARGE:

Client #: 41445

Client Name:

Matter #: 00006

Matter Name:

Service code :

Narrative:

OFFICE CHARGE:

Co \_\_\_\_\_ Fac \_\_\_\_\_ G/L Act \_\_\_\_\_ Sub Act \_\_\_\_\_ Tax cd \_\_\_\_\_ Emp # \_\_\_\_\_ NT-TP-TA ( \_\_\_\_\_ )  
 Project Code \_\_\_\_\_

Narrative:

Signature:



Damian D. Capozzola

Attorney #: 01292

JUL 29 10 17

Signature: \_\_\_\_\_

Attorney #: (optional, except SF)

Signature: \_\_\_\_\_

Attorney #: (optional)

AO44  
(Rev. 12/89)UNITED STATES DISTRICT COURT  
FOR THE HAWAII

INVOICE NO: 20050114

**MAKE CHECKS PAYABLE TO**Damian D. Capozzola  
Kirkland & Ellis, LLP  
777 South Figueroa Street  
Los Angeles, CA 90017Steve Platt, CRR, RMR  
U.S. District Court Reporter  
300 Ala Moana Boulevard  
Suite C-287  
Honolulu, HI 96813Phone: (213) 680-8653  
FAX: (213) 680-8500Phone: (808) 536-2699  
FAX: (808) 536-2699  
Tax ID: 26-2597858  
PlattReporter@aol.com

dcaipozzola@kirkland.com

☐ CRIMINAL ☒ CIVIL

DATE ORDERED: 07-20-2005

DATE DELIVERED: 07-20-2005

Case Style: CV 03-00385SOM, Wayne Berry v Hawaii Express Service  
Transcript of proceedings held 6-20-2005.

CATEGORY	ORIGINAL			1ST COPY			2ND COPY			TOTAL CHARGES
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	
Ordinary				71	0.83	58.93				58.93
Expedited										
Daily										
Hourly										
Realtime										
Misc. Desc.	MISC. CHARGES:									
TOTAL:										58.93
LESS DISCOUNT FOR LATE DELIVERY:										
TAX (If Applicable):										2.45
LESS AMOUNT OF DEPOSIT:										
TOTAL REFUND:										
TOTAL DUE:										\$61.38

## ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.

## CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE

DATE

07-20-2005

(All previous editions of this form are cancelled and should be destroyed)

PART 1 (ORIGINAL) - TO PARTY  
PART 2 (YELLOW) - TO PARTY FOR RETURN WITH PAYMENT  
PART 3 (PINK) - COURT REPORTER  
PART 4 (BLUE) - COURT REPORTER SUPERVISOR

KIRKLAND & ELLIS  
CHECK REQUEST

CLIENT OR FIRM ACTIVITY DESCRIPTION	<u>Fleming</u>	DATE	<u>11/21/05</u> <u>41443</u>
MATTER OR PROJECT	<u>Berry</u>	<u>0006</u>	CODE <input type="checkbox"/>
	S/L ACCOUNT <u>    </u>	SUBSET OR EMPLOYEE ACCT # <u>    </u>	DIED CODE <u>    </u>
			OFFICE LOC <u>    </u>
FOR	<u>Hearing transcripts</u>		
			<u>228881</u>
PAY TO	<u>Cynthia Tando Fazio</u>	VENDOR	<u>    </u> <input type="checkbox"/>
ADDRESS	<u>WSDC - P.O. Box 50131</u>	INVOICE DATE	<u>    </u>
<input type="checkbox"/> PAY BY	<u>Honolulu, HI 96850</u>	INVOICE NO.	<u>    </u>
<input type="checkbox"/> RETURN BY INTEROFFICE MAIL		INVOICE AMT. \$	<u>40.64</u>
<input type="checkbox"/> MAIL TO PAYEE		DATE PAID	<u>    </u>
<input type="checkbox"/> OTHER	<u>    </u>	CHECK #	<u>    </u>
SIGNATURE	<u>[Signature]</u>	EMPLOYEE NO.	<u>232167</u>



Neal San Diego/Los  
Angeles/Kirkland-Ellis  
11/21/2005 01:09 PM

To Gracie Ruiz/Los Angeles/Kirkland-Ellis@K&E  
cc  
bcc  
Subject Tax ID number

Please see below Cynthia Tando Fazio's tax ID number.

Thanks.

Neal

----- Forwarded by Neal San Diego/Los Angeles/Kirkland-Ellis on 11/21/2005 01:08 PM -----



Cynthia\_Fazio@hid.uscourts.  
gov  
11/21/2005 01:05 PM

To Neal San Diego <NSanDiego@kirkland.com>  
cc  
Subject Re: Request

Hi, Neal,

my EIN is 03-0574234.

Neal San Diego  
<NSanDiego@kirkland.com>

11/21/2005 09:59  
AM

To  
cynthia\_fazio@hid.uscourts.gov  
cc  
Subject  
Request

Cynthia,

Hi, I called you a while ago regarding the Hearing Transcript dated 10/11/2005. I'm sending the check request to our Accounting dept., and they need your Tax I.D. number, before they can cut the check for \$40.64.

Please e-mail me your tax information to be able to process the check.

Thanks.

Neal

```
<font size=2 face="monospace,courier">
*****
The information contained in this communication is
confidential, may be attorney-client privileged, may
constitute inside information, and is intended only for
the use of the addressee. It is the property of
Kirkland & Ellis LLP or Kirkland & Ellis International LLP.
Unauthorized use, disclosure or copying of this
communication or any part thereof is strictly prohibited
and may be unlawful. If you have received this
communication in error, please notify us immediately by
return e-mail or by e-mail to postmaster@kirkland.com, and
destroy this communication and all copies thereof,
including all attachments.
*****
</font>
```

## KIRKLAND &amp; ELLIS LLP

Check Request

Vendor ID:

227667

Bank #:

Pay to:

Stephen B. Platt, CRR, RMR CBC  
 U.S. District Court Reporter  
 300 Ala Moana Boulevard  
 Suite C-287  
 Honolulu, HI 96813  
 Tax ID # 26-2597858

Date: 01/30/2006

Invoice amount: \$1,396.49

Invoice Date: 01/25/2006

Invoice #: 20060009

Check Amount: \$1,396.49

Check stub description: Berry v. Hawaii Express

Return by interoffice mail to Dora Silva, 35<sup>th</sup> FloorCLIENT CHARGE:

Client #: 41445

Client Name:

Matter #: 00006

Matter Name:

Service code :

Narrative:

Feb - 3 39

OFFICE CHARGE:

Co \_\_\_\_\_ Fac \_\_\_\_\_ G/L Act \_\_\_\_\_ Sub Act \_\_\_\_\_ Tax cd \_\_\_\_\_ Emp # \_\_\_\_\_ NT-TP-TA ( \_\_\_\_\_ )  
 Project Code \_\_\_\_\_

Narrative:

Signature:

  
 Damian D. Capozzola

Attorney #: 01292

Signature: \_\_\_\_\_

Attorney #: (optional, except SF)

Signature: \_\_\_\_\_

Attorney #: (optional)



AO44 (Rev. 12/89)		<b>UNITED STATES DISTRICT COURT FOR THE HAWAII</b>									
INVOICE NO: 20060009											
Damian D. Capozzola Kirkland & Ellis, LLP 777 South Figueroa Street Los Angeles, CA 90017  Phone: (213) 680-8653 FAX: (213) 680-8500  <u>dcapozzola@kirkland.com</u>						<b>MAKE CHECKS PAYABLE TO:</b>  Stephen B. Platt, CRR, RMR CBC U.S. District Court Reporter 300 Ala Moana Boulevard Suite C-287 Honolulu, HI 96813  Phone: (808) 536-2699 FAX: (808) 536-2699 Tax ID: 26-2597858 <u>PlattReporter@aol.com</u>					
<input type="checkbox"/> CRIMINAL <input checked="" type="checkbox"/> CIVIL			DATE ORDERED: 01-24-2006			DATE DELIVERED: 01-24-2006					
<b>Case Style:</b> CV 03-00385SOM, Wayne Berry v Hawaii Express Service, Inc. Transcript of proceedings held 1/24/2006. Price includes: realtime feed (plus required final, at "original" rate); and instant printed transcript (plus required final at "copy" rate.)											
CATEGORY	ORIGINAL			1ST COPY			2ND COPY			TOTAL CHARGES	
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL		
Ordinary	168	3.30	554.40	168	0.83	139.44		0.55		693.84	
Expedited		4.40			0.83			0.55			
Daily		5.50			1.10			0.83			
Hourly		6.60			1.10			0.83			
Realtime	168	2.75	462.00	168	1.10	184.80		1.10		646.80	
Misc. Desc.									MISC. CHARGES:		
									TOTAL:		1,340.64
									LESS DISCOUNT FOR LATE DELIVERY:		
									TAX (If Applicable):		55.85
									LESS AMOUNT OF DEPOSIT:		
									TOTAL REFUND:		
Date Paid:			Amt:			TOTAL DUE:			\$1,396.49		
<b>ADDITIONAL INFORMATION</b> Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.											
<b>CERTIFICATION</b> I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.											
SIGNATURE								DATE			
								01-25-2006			

(All previous editions of this form are cancelled and should be destroyed)

KIRKLAND & ELLIS LLP  
Check Request

2303949

Vendor ID: \_\_\_\_\_  
Pay to: Court Reporters, Inc.  
Sharon Ross, Court Reporter  
300 Ala Moana Blvd.  
Room C-283  
Honolulu, HI 96850

Bank #: \_\_\_\_\_

Date: 02/07/2006

Invoice amount: \$68.75  
Invoice Date: 02/03/2006  
Invoice #: 06000007  
Check Amount: \$68.75

Check stub description: Berry 1/30/06 Court Hearing Transcript  
Mail to Payee

CLIENT CHARGE:

Client #: 41445 Client Name: \_\_\_\_\_  
Matter #: 00006 Matter Name: \_\_\_\_\_  
Service code : \_\_\_\_\_ Narrative: \_\_\_\_\_

OFFICE CHARGE:

Co \_\_\_\_\_ Fac \_\_\_\_\_ G/L Act \_\_\_\_\_ Sub Act \_\_\_\_\_ Tax cd \_\_\_\_\_ Emp # \_\_\_\_\_ NT-TP-TA ( \_\_\_\_\_ )  
Project Code \_\_\_\_\_

Narrative: \_\_\_\_\_

Signature: \_\_\_\_\_

Damian D. Capozzola

Attorney #: 01292

Signature: \_\_\_\_\_

Attorney #: (optional, except SF)

Signature: \_\_\_\_\_

Attorney #: (optional)

AO44  
(Rev. 12/89)UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

INVOICE NO: 06000007

MAKE CHECKS PAYABLE TO:

Damian Capozzola  
Kirkland & Ellis  
777 S. Figueroa Street, Suite 3700  
Los Angeles, CA 90017

Phone: (213) 680-8633

[dca Pozzola@kirkland.com](mailto:dca Pozzola@kirkland.com)

Court Reporters, Inc.  
Sharon Ross, Court Reporter  
300 Ala Moana Blvd.  
Room C-283  
Honolulu, HI 96850

Phone: (808) 535-9200

FAX (808) 535-9201

Tax ID: 76-0310242

[Sharon.Ross@hid.uscourts.gov](mailto:Sharon.Ross@hid.uscourts.gov)

CRIMINAL



CIVIL

DATE ORDERED:

01-30-2006

DATE DELIVERED:

02-06-2006

Case Style: CV 03-00385 SOM-LEK, Wayne Berry v Hawaii Express Service, et al.

1-30-06 Status Conference

CATEGORY	ORIGINAL			1ST COPY			2ND COPY			TOTAL CHARGES
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	
Ordinary										
Expedited	15	4.40	66.00							66.00
Daily										
Hourly										
Realtime										
Misc. Desc. MISC. CHARGES:										
TOTAL:										66.00
LESS DISCOUNT FOR LATE DELIVERY:										
TAX (If Applicable):										2.75
LESS AMOUNT OF DEPOSIT:										
TOTAL REFUND:										
Date Paid: Amt: TOTAL DUE:										\$68.75

## ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.

## CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE

DATE

02-03-2006

(All previous editions of this form are  
cancelled and should be destroyed)

## KIRKLAND &amp; ELLIS LLP

Check Request

2310489

Vendor ID: 227667  
 Pay to: Stephen B. Platt, CRR, RMR CBC  
 U.S. District Court Reporter  
 300 Ala Moana Boulevard  
 Suite C-287  
 Honolulu, HI 96813  
 Tax ID # 26-2597858

Bank #: \_\_\_\_\_

Date: 02/17/2006

Invoice amount: \$7,000.00

Invoice Date

Invoice #:

Check Amount \$7,000.00

Check stub description: Berry v. Hawaii Express  
 Return by interoffice mail to Dora Silva, 35<sup>th</sup> Floor

CLIENT CHARGE:

Client #: 41445 Client Name:  
 Matter #: 00006 Matter Name:  
 Service code : Narrative:

OFFICE CHARGE:

Co \_\_\_\_\_ Fac \_\_\_\_\_ G/L Act \_\_\_\_\_ Sub Act \_\_\_\_\_ Tax cd \_\_\_\_\_ Emp # \_\_\_\_\_ NT-TP-TA ( \_\_\_\_\_ )  
 Project Code \_\_\_\_\_

Narrative:

Signature: See attached email from [Signature]

Damian D. Capozzola

Attorney #: 01292

Signature: \_\_\_\_\_


Attorney #: (optional, except SF)

Signature: \_\_\_\_\_

Attorney #: (optional)

FEB 21 10 31

Damian Capozzola/Los  
Angeles/Kirkland-Ellis  
01/25/2006 06:39 PM

To "steve" <plattreporter@aol.com>  
cc Dora Silva/Los Angeles/Kirkland-Ellis@K&E  
bcc  
Subject Re: Invoice attached - Berry v Hawaii Express Service 

Steve, thanks again. Dora Silva is my assistant. Dora, please prepare check requests consistent with the below. I can sign them when I get in on Monday. Thanks.

--Damian

**Damian D. Capozzola | KIRKLAND & ELLIS LLP**  
777 South Figueroa St., Floor 37 | Los Angeles, CA 90017  
213.680.8653 PHONE | 213.448.2709 MOBILE | 213.680.8500 FACSIMILE

dcapozzola@kirkland.com | www.kirkland.com/dcapozzola  
"steve" <plattreporter@aol.com>



"steve"  
<plattreporter@aol.com>  
01/25/2006 04:34 PM

To <dcapozzola@kirkland.com>  
cc  
Subject Invoice attached - Berry v Hawaii Express Service

aloha, mr. capozzola,

it was a pleasure working with you & mr. liebeler in your trial before judge mollway this week. attached is the invoice for my services. in that i run a relatively small operation, i would greatly appreciate it if you could ask your accounting department to expedite the payment of this invoice.

as for our continuation of the trial next month, due to the extraordinary efforts involved in providing these state-of-the-art court reporting services, as well as the fact that you're based on the mainland, i ask that you bring a check in the amount of \$7,000, to be tendered by 8:30 a.m. on the morning of trial. as you're aware, our rates are set by federal statute, and are based on the actual number of pages produced, and services provided. any balance due will be required upon delivery of the final transcripts; and any refund i might owe you will be paid likewise.

if i understood correctly, for the trial proceedings next month, you desire a realtime hookup for yourself, on livenote, as well as for mr. liebeler, utilizing caseview; plus one instant printed copy.

i look forward to working with you again soon.

mahalo nui loa!



steve A044 Invoice\_6.pdf

AO44  
(Rev. 12/89)UNITED STATES DISTRICT COURT  
FOR THE HAWAII

INVOICE NO: 20060024

## MAKE CHECKS PAYABLE TO:

Damian D. Capozzola  
Kirkland & Ellis, LLP  
777 South Figueroa Street  
Los Angeles, CA 90017

Phone: (213) 680-8653  
FAX: (213) 680-8500

dcapozzola@kirkland.com

Stephen B. Platt, CRR, RMR CBC  
U.S. District Court Reporter  
300 Ala Moana Boulevard  
Suite C-287  
Honolulu, HI 96813

Phone: (808) 536-2699  
FAX: (808) 536-2699  
Tax ID: 26-2597858  
PlattReporter@aol.com

☐ CRIMINAL ☒ CIVIL

DATE ORDERED:

02-27-2006

DATE DELIVERED:

Case Style: CV 03-00385SOM, Wayne Berry v Hawaii Express Service, Inc.

Trial transcripts: 2/27-28, 3/1-2-3-7/2006. (Service for 2/28 thru 3/3:  
808 pages realtime, two instant prints, two instant ascii discs, with  
"regular" finals.) (Service for 2/27 & 3/7: 100 pages, no realtime or  
rough prints/ascii discs, just "regular" delivery w/ final ascii discs.)

CATEGORY	ORIGINAL			1ST COPY			2ND COPY			TOTAL CHARGES	
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL		
Ordinary	908	3.30	2,996.40	908	0.83	753.64	908	0.55	499.40	4,249.44	
Expedited		4.40			0.83			0.55			
Daily		5.50			1.10			0.83			
Hourly		6.60			1.10			0.83			
Realtime	808	2.75	2,222.00	808	2.20	1,777.60	808	1.66	1,341.28	5,340.88	
Misc. Desc.									MISC. CHARGES:		
									TOTAL:		9,590.32
									LESS DISCOUNT FOR LATE DELIVERY:		
									TAX (If Applicable):		398.95
Check No: 566396			Deposit Date: 02-27-2006			LESS AMOUNT OF DEPOSIT:			7,000.00		
									TOTAL REFUND:		
Date Paid:			Amt:			TOTAL DUE:			\$2,989.27		

## ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.

## CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE

DATE

03-08-2006